



भारत का राजपत्र The Gazette of India

प्रसाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

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NEW DELHI, WEDNESDAY, JULY 7, 1976/ASADHA 16, 1898

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 7th July, 1976/Asadha 16, 1898 (Saka)

The following President's Act is published for general information:—

THE CODE OF CRIMINAL PROCEDURE (GUJARAT SECOND AMENDMENT) ACT, 1976

No. 30 OF 1976

Enacted by the President in the Twenty-seventh Year of the Republic of India.

An Act further to amend the Code of Criminal Procedure, 1973, in its application to the State of Gujarat.

44 of 1976. In exercise of the powers conferred by section 3 of the Gujarat State Legislature (Delegation of Powers) Act, 1976, the President is pleased to enact as follows:—

1. (1) This Act may be called the Code of Criminal Procedure (Gujarat Second Amendment) Act, 1976.

Short title and commencement.

(2) It shall come into force at once.

2 of 1974.

2. In section 209 of the Code of Criminal Procedure, 1973, in its application to the State of Gujarat, for clause (a), the following clause shall be substituted, namely:—

Amendment of section 209.

“(a) commit the case, after complying with the provisions of section 207 or section 208, as the case may be, to the Court of Session,

and, subject to the provisions of this Code relating to bail, remand the accused to custody until such commitment has been made;”.

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment

Under section 209 of the Code of Criminal Procedure, 1973, when a person accused of an offence, triable exclusively by the Court of Session, appears or is brought before the Magistrate, the Magistrate has to commit the case to the Court of Session. In such a case, the Magistrate has no power to make an order for remand. Since under section 207 or section 208, the copies of certain documents are to be supplied to the accused and such supply of documents might take some time, order for the remand of the accused to custody becomes necessary. Section 209 is, therefore, sought to be amended to enable the Magistrate to remand the accused to the custody until the commitment is made. Section 209, as applicable to the State of Gujarat, is, therefore, proposed to be amended by a President's Act. The Bill mainly seeks to achieve the said object.

2. In view of the urgency of the matter, it is not practicable to consult the Consultative Committee of Parliament on Gujarat Legislation. The measure is accordingly being enacted without reference to the Consultative Committee.

S. L. KHURANA,
*Secretary to the Govt. of India,
Ministry of Home Affairs.*